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November 30, 2006

VIA E-FILING

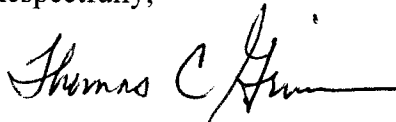
The Honorable Gregory M. Sleet
United States District Court
for the District of Delaware
844 N. King Street, Lockbox 19
Wilmington, DE 19801

Re: *Black & Decker Inc. and Black & Decker (U.S.) Inc. v.
TechTronics Industries Co. Ltd, One World Technologies,
Inc. and OWT Industries, Inc., C. A. No. 06-386-GMS*

Dear Judge Sleet:

Enclosed is the Scheduling Order incorporating the dates discussed during the scheduling conference last week.

Respectfully,



Thomas C. Grimm

TCG

Enclosure

cc: Dr. Peter T. Dalleo, Clerk (via hand delivery - w/encl.)
Richard K. Hermann, Esquire (via e-filing - w/encl.)
Richard H. Marschall, Esquire (via e-mail - w/encl.)
Raymond P. Niro, Jr., Esquire (via e-mail - w/encl.)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

**BLACK & DECKER INC. and BLACK
& DECKER (U.S.) INC.,**

Plaintiffs,

V.

C.A. No. 06-386-GMS

TECHTRONICS INDUSTRIES CO. LTD.,
ONE WORLD TECHNOLOGIES, INC.
and OWT INDUSTRIES, INC.,

Defendants.

SCHEDULING ORDER

This ____ day of _____ 2006, the Court having conducted a Rule 16 Scheduling Conference pursuant to Local Rule 16.2(b) on November 20, 2006, and the parties having agreed to the dates set forth herein:

IT IS ORDERED that:

1. **Rule 26(a)(1) Initial Disclosures.** The parties shall exchange their initial disclosures pursuant to Federal Rule of Civil Procedure 26(a)(1) on or before January 31, 2007.
2. **Joinder of Other Parties And Amendment of Pleadings.** All motions to join parties and to amend the pleadings shall be filed on or before February 15, 2007.
3. **Reliance Upon Advice of Counsel.** Defendant shall inform Plaintiff if it intends to rely upon advice of counsel as a defense to willful infringement no later than April 1, 2007. If Defendant elects to rely on advice of counsel as a defense to willful infringement, Defendant shall produce any such opinions on which it intends to rely with its notice.
4. **Markman Claim Construction Hearing.** A *Markman* claim construction hearing shall be held on July 20, 2007 at 10:00 a.m. The *Markman* hearing is scheduled for 3 hours, each side having 1 ½ hours. The parties shall exchange proposed claim terms and claim

elements for construction on April 18, 2007. The parties shall then exchange preliminary claim constructions and identify the intrinsic and extrinsic evidence on which they rely on May 2, 2007. The parties shall meet and confer regarding the narrowing and reducing the number of claim construction issues. On or before May 23, 2007, the parties shall submit a Final Joint Claim Chart which shall include citations to intrinsic evidence. The parties shall file opening claim construction briefs on June 13, 2007, and the answering claim construction briefs on June 20, 2007. The parties shall file a joint appendix containing the relevant portions of the prosecution history of the patents in issue with the opening briefs on June 13, 2007.

5. **Discovery.** All fact discovery in this case shall be initiated so that it will be completed on or before July 29, 2007. Expert discovery in this case shall be initiated so that it will be completed on or before October 15, 2007. Opening expert reports on issues for which the party has a burden of proof shall be served on or before September 7, 2007. Rebuttal expert reports shall be served on or before October 1, 2007.

a. **Discovery And Scheduling Matters.** Should counsel find they are unable to resolve a discovery or scheduling matter, the party seeking relief shall contact Chambers at (302) 573-6470 to schedule a telephone conference. Not less than 48 hours prior to the teleconference, the parties shall file with the Court, via electronic means (CM/ECF), a **joint, non-argumentative** letter agenda not to exceed two (2) pages outlining the issue(s) in dispute. A sample letter can be located on this Court's website at www.ded.uscourts.gov. Should the Court find further briefing necessary upon conclusion of the telephone conference, unless otherwise directed, the party seeking relief shall file with the Court a **two (2) page letter**, exclusive of exhibits, describing the issues in contention. The responding party shall file within five (5) days from the date of serve of the opening letter an answering letter of no more than **two**

(2) pages. The party seeking relief may then file a reply letter of no more than two (2) pages within three (3) days from the date of service of the answering letter. Except for good cause shown, the parties are limited to three (3) discovery dispute teleconferences. Absent good cause, any subsequent request for a discovery dispute teleconference shall be referred to a special master appointed by the Court, the cost of which will be split evenly by the parties.

6. **Confidential Information And Pages Filed Under Seal.** Should counsel find it will be necessary to apply to the Court for a protective order specifying terms and conditions for the disclosure of confidential information, they should confer and attempt to reach an agreement on a proposed form of order and submit it to the Court within ten (10) days from filing the date of this order. When filing papers under seal, counsel should deliver to the Clerk an original and two copies of the papers.

If after making a diligent effort the parties are unable to agree on the contents of the joint proposed protective order, then they shall follow the dispute resolution process outlined in paragraph 5(a).

7. **Settlement Conference.** Pursuant to 28 U.S.C. §636, this matter is referred to the United States Magistrate for the purpose of exploring the possibility of a settlement. The parties shall contact Magistrate Judge Thyng to schedule a settlement conference with counsel and the clients.

8. **Summary Judgment Motions.** Prior to filing any summary judgment motion, the parties must submit letter briefs seeking permission to file the motion. The opening letter brief shall be no longer than five (5) pages and shall be filed with the Court no later than August 20, 2007. Answering letter briefs shall be no longer than five (5) pages and filed with the court on or before August 27, 2007. Reply letter briefs shall be no longer than three (3) pages and

filed with the Court on or before August 31, 2007. The Court shall hold a telephonic Status Conference to hear argument and to determine whether the filing of any motion for summary judgment will be permitted on September 11, 2007 at 2:00 p.m. **Unless the Courts directs otherwise, no letter requests to file a motion for summary judgment may be filed at a time before the dates set forth in this paragraph 8.**

9. **Case Dispositive Motions.** Should the Court permit the filing of summary judgment motions, an opening brief and affidavits, if any, in support of the motion shall be served and filed on or before October 11, 2007. Answering briefs and affidavits, if any, in support thereof, shall be served and filed on or before November 1, 2007. Reply briefs shall be served and filed on or before November 15, 2007. Any request for extension of time as set forth in this Scheduling Order **must** be accompanied by an explanation or the request will be denied.

10. **Application By Motion.** Except as provided in this Scheduling Order or for matters related to scheduling, any application to the Court shall be by written motion filed via electronic means (CM/ECF). Unless otherwise directed by the Court, counsel shall **not** deliver copies pf papers or correspondence to chambers. Any nondispositive motion should contain the statement required by Local Rule 7.1.1.

11. **Oral Argument.** If the Court believes oral argument is necessary, the Court will schedule a hearing pursuant to District of Delaware Local Rule 7.1.4.

12. **Daubert Issues.** The parties shall submit any *Daubert* issues with the Pretrial Order, except that they may request a teleconference with the Court if they see a need to address any such issues at an earlier date.

13. **Pretrial Conference.** On February 27, 2008, beginning at 10:00 a.m., the Court will hold a Pretrial Conference in Chambers with counsel. Unless otherwise directed by the

Court, the parties should assume that filing the Joint Pretrial Order (a sample form Pretrial Order can be located on this Court's website at www.ded.uscourts.gov) satisfies the pretrial disclosure requirement in Federal Rule of Civil Procedure 26(a)(3). Thirty (30) days before the Joint Proposed Pretrial Order is due, plaintiff's counsel shall forward to defendant's counsel a draft of the pretrial order containing the information plaintiff proposes to include in the draft. Defendant's counsel shall, in turn, provide to plaintiff's counsel any comments on the plaintiff's draft as well as the information defendant proposed to include in the proposed pretrial order.

Motions *in limine*: No party shall file more than ten (10) motions *in limine*. The parties shall exchange opening *in limine* briefs on December 21, 2007, answering *in limine* briefs on January 11, 2008 and reply *in limine* briefs on January 18, 2008. Briefs (opening, answering and reply) on all motions *in limine* shall be filed on January 28, 2008 with the Pretrial Order. Opening and answering briefs shall not exceed five (5) pages and reply briefs shall not exceed three (3) pages. The parties shall file with the Court the joint proposed final pretrial order with the information required by the form of Final Pretrial Order which accompanies this Scheduling Order on or before January 28, 2008.

14. **Trial.** This matter is scheduled for a five (5) day jury trial beginning at 9:00 a.m. on March 24, 2008.

15. **Scheduling.** The parties shall contact Chambers at (302) 573-6470, only in situations where scheduling relief is sought, and only when ALL participating counsel is on the line for purposes of selecting a new date.

United States District Judge